

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JASON SHURB,
Plaintiff,

v.

THE UNIVERSITY OF TEXAS
HEALTH SCIENCE CENTER AT
HOUSTON–SCHOOL OF MEDICINE,
et al.,
Defendants.

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Civil Action No. 4:13-cv-00271

JOINT STATUS REPORT

TO THE HONORABLE KENNETH M. HOYT:

Defendants The University of Texas Health Science Center at Houston, Dr. Guiseppe N. Colasurdo, Dr. Margaret C. McNeese, and Patricia E. Caver (collectively, the “State Defendants”); Plaintiff Jason Shurb; and Defendant The Methodist Hospital respectfully submit this Joint Status Report in response to the Court’s Order for Conference. (Doc. 6.)

Pursuant to the Court’s order, the parties, through their undersigned counsel, held an initial Rule 26(f) conference by telephone on April 18, 2013. At that initial conference, the State Defendants informed the parties that the State Defendants will file a motion to dismiss Plaintiff’s First Amendment Complaint. In addition, the State Defendants will file a motion to stay discovery pending the Court’s ruling on the State Defendants’ motion to dismiss and any subsequent pleadings regarding the Individual Defendants’ qualified immunity defense, pursuant to established Fifth Circuit law.

Counsel for Methodist Hospital stated that Methodist Hospital was unopposed to such a motion to stay discovery. Counsel for Plaintiff stated that Plaintiff was unopposed to a stay of discovery pending the Court's ruling on the State Defendants' motion to dismiss, but reserved the right to reconsider the need for a stay once the Court rules on the motion to dismiss.

In light of the State Defendants' motions and the parties' agreement to stay discovery in this case, the parties have not yet conducted a full Rule 26(f) conference or prepared a joint discovery / case management plan. The parties plan to do so as soon as the anticipated stay of discovery is lifted. Furthermore, given the anticipated stay of discovery, the parties do not believe that the initial pretrial and scheduling conference scheduled for May 6, 2013 is necessary at this time. However, the parties will presume the scheduling conference is proceeding unless instructed otherwise by the Court.

Respectfully submitted,

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*Attorney in Charge for Defendant The
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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to:

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